

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

THOMAS EDWARD NIX,

)

Petitioner

)

v.

)

UNITED STATES OF AMERICA,

)

Respondent.

)

)

CASE NOS. CV411-160
CR409-164

O R D E R

Before the Court is Petitioner's Motion for Reconsideration Pursuant to Fed. R. Civ. Pro. 60(b)(6).¹ (Doc. 27.) The Court lacks jurisdiction to consider this claim. Federal Rule of Civil Procedure 60(b) "does not provide for relief from a judgment in a criminal case." United States v. Whisby, 323 F. App'x 781, 782 (11th Cir. 2009). Petitioner's motion is in fact an attack on "the federal court's previous resolution of a claim on the merits." Peters v. United States, ___ F. App'x ___, 2017 WL 443631, *1 (11th Cir. 2017). As a result Petitioner's motion is more accurately characterized as a successive § 2255 motion. Because the motion is successive, Petitioner must first "obtain an order from this Court authorizing the

¹ To the extent that Petitioner is merely requesting reconsideration, the Court sees no reason to disturb its prior order.

district court to consider the motion." *Id.* at *2. Because Petitioner has not received such authorization, the Court lacks jurisdiction to consider the motion. *Id.* Accordingly, Petitioner's Motion Reconsideration Pursuant to Rule 60(b) is **DISMISSED**.

SO ORDERED this 22nd day of August 2017.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA